

**REMARKS**

Claims 1-2, 4-5, and 7-29 are pending in the current application. Of those, claims 1, 14, 17, and 20-23 are independent claims. Claims 1-2, 4-5, and 7-23 are amended by this Response. New claims 24-29 are added by this Response. Claims 3 and 6 are canceled by this Response.

**Claim Rejections under 35 U.S.C. § 101**

Claims 1-19 stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Applicant respectfully traverses this rejection.

The Manual of Patent Examining Procedure (MPEP) provides guidance on the difference between “nonfunctional descriptive material” and “functional descriptive material”. In particular, MPEP § 2106.01 states the following:

In this context, “functional descriptive material” consists of data structures and computer programs which impart functionality when employed as a computer component. (The definition of “data structure” is “a physical or logical relationship among data elements, designed to support specific data manipulation functions.” The New IEEE Standard Dictionary of Electrical and Electronics Terms 308 (5th ed. 1993).) “Nonfunctional descriptive material” includes but is not limited music, literary works and a compilation or mere arrangement of data.

Accordingly, Applicant respectfully submits that a “computer readable medium having a data structure for managing reproduction of at least multiple reproduction path video data” as recited in independent claim 1 stores functional descriptive material.

MPEP §2106.01(I) further states, regarding functional descriptive material, that “a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure’s functionality to be realized, and is thus statutory.” The computer readable medium recited in claim 1 includes a data structure having a data area

and a management area, which provides management information. As recited in claim 1, the management information includes "at least one entry point map associated with each reproduction path, each entry point map identifying the entry points in the video data for the associated reproduction path." Accordingly, claim 1 is clearly directed towards patentable, statutory subject matter. Further, Applicant respectfully submits that claims 14 and 17 contain features somewhat similar to those discussed above in regards to claim 1, and therefore, are also clearly directed towards patentable, statutory subject matter

In light of the above, Applicant respectfully requests that the rejection of independent claims 1, 14, and 17, and claims depending therefrom, under 35 U.S.C. § 101 be withdrawn.

### **Claim Rejections**

Claims 1-4, 6-15, 17-18, and 20-23 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Sawabe et al. (U.S. Pat. No. 6,031,962, herein Sawabe). Claims 5, 16, and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sawabe in view of Sugimoto et al. (U.S. Pat. No. 6,470,140, herein Sugimoto). Applicant respectfully traverses these rejections.

Sawabe discloses at FIG. 6 and col. 11, lines 14-18 "[a]s shown in FIG. 6, each of the interleaved units has a navi-pack, and in this navi-pack, there are recorded an end address of the interleaved unit and a start address of the other interleaved unit to be read out next." Therefore, the navigation information in Sawabe is dispersed in the interleave structure along with the video objects. Accordingly, Applicant respectfully submits that Sawabe fails to disclose "a management area storing management information for managing reproduction of the multiple reproduction path video data, the management information including at least one entry point map

associated with each reproduction path, each entry point map identifying the entry points in the video data for the associated reproduction path” as required by claim 1.

Furthermore, it is readily apparent that the secondary reference, Sugimoto, relied upon by the Examiner also fails to disclose or suggest the above quoted limitations. Therefore, even assuming for the sake of argument Sawabe and Sugimoto are properly combinable (which Applicant does not admit), Sawabe in view of Sugimoto cannot disclose or suggest these limitations of claim 1. Claim 1 is not anticipated by Sawabe or rendered obvious to one skilled in the art by Sawabe in view of Sugimoto.

Claims 14, 17, and 20-23 contain features somewhat similar to those discussed above in regards to claim 1, and therefore, claims 14, 17, and 20-23 are patentable for at least somewhat similar reasons as claim 1. Claims 2, 4-5, 7-13, 15-16, and 18-19, dependent upon claim 1, are patentable for at least the reasons stated above with respect to claim 1.

In view of the above, Applicant respectfully requests the rejections under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a) be withdrawn.

#### **New Claims**

Applicant respectfully submits that new claims 24-29, which depend from one of claims 20-23, are patentable for at least the same reasons discussed above in regards to claims 20-23 as well as on their own merits.

**CONCLUSION**

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of the claims in connection with the present application is earnestly solicited.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) hereby petition(s) for a one (1) month extension of time for filing a reply to the outstanding Office Action and submit the required \$120 extension fee herewith.

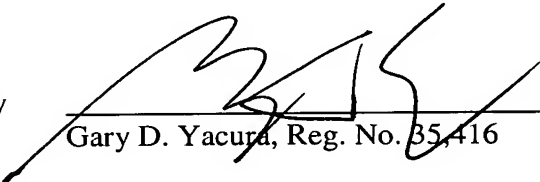
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gary D. Yacura at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKY, & PIERCE, P.L.C.

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